

MR. [PAUL C.] JONES of Missouri: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. JONES of Missouri: Does not a preferential motion require a vote before the Chair can accept another motion?

THE CHAIRMAN: No. A motion to rise takes precedence over any other motion.

The question is on the motion offered by the gentleman from Kentucky [Mr. Perkins].

MR. [LESLIE C.] ARENDS [of Illinois]: Mr. Chairman, on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. Perkins and Mr. Goodell.

The Committee divided and the tellers reported that there were—ayes 127, noes 186.

So the motion was rejected.

THE CHAIRMAN: The question is on the preferential motion.

MR. JONES of Missouri: Mr. Chairman I demand tellers.

Tellers were refused.

THE CHAIRMAN: The question is on the preferential motion.

The preferential motion was rejected.

Precedence of Motion to Amend Over Motion to Rise and Report

§ 23.14 A motion to amend in the Committee of the Whole takes precedence over a motion to rise and report a bill with recommendations.

On July 27, 1937,⁽²⁾ during consideration of H.R. 7730, to authorize the President to appoint administrative assistants, Chairman Wright Patman, of Texas, ruled on the precedence of a motion to amend over a motion to rise.

Mr. Robinson of Utah and Mr. Collins rose.

MR. [J. W.] ROBINSON of Utah: Mr. Chairman, I move that the Committee do now rise and report the bill back to the House with the recommendation that the bill do pass.

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the point of order against the motion that it is not in order at this stage of the proceedings.

THE CHAIRMAN: The Chair may state that motions to amend take precedence over a motion that the Committee rise.

§ 24.—Offering the Motion

A Member with the floor generally yields for debate only, since in yielding for a motion or amendment he may lose the floor. The principle that a Member may not, in time yielded for debate, make a motion to rise is based on the consideration that, if amendments or motions were allowed in time yielded for debate, control would shift and the Chair would be deprived of his power of recognition.

2. 81 CONG. REC. 7699, 75th Cong. 1st Sess.

The subject of yielding time in debate and what may be accomplished during yielded time is taken up in greater detail in the chapter on Consideration and Debate, Ch. 29, *infra*.

During Offering of Amendment

§ 24.1 A Member recognized to offer and debate an amendment may, during his five minutes, move that the Committee rise.

On Nov. 15, 1967,⁽³⁾ during consideration of S. 2388, the Economic Opportunity Act Amendments of 1967, a Member recognized to offer and debate an amendment was permitted, during his five minutes, to move that the Committee of the Whole rise.

MR. [PAUL C.] JONES of Missouri:

Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Jones of Missouri: On page 219 strike out all of line 17 through line 24.

MR. JONES of Missouri: Mr. Chairman, I make a parliamentary inquiry at this time.

THE CHAIRMAN:⁽⁴⁾ The gentleman will state it.

MR. JONES of Missouri: Would I be in order to make a motion that the

Committee do now rise so that if we could get back into the House I could make a motion to adjourn?

THE CHAIRMAN: A motion that the Committee do now rise is a privileged motion.

MR. JONES of Missouri: Mr. Chairman, I move that the Committee do now rise.

THE CHAIRMAN: The question is on the motion offered by the gentleman from Missouri.

The motion was rejected.

During Yielded Time

§ 24.2 A Member may not in time yielded him for general debate move that the Committee of the Whole rise, nor may a Member who has been yielded time for debate yield to another for that motion. (The Chair was sustained on appeal.)

On Feb. 22, 1950, Calendar Wednesday,⁽⁵⁾ during consideration of H.R. 4453, the Federal Fair Employment Practice Act, Chairman Francis E. Walter, of Pennsylvania, ruled that a Member could not in time yielded to him for general debate move that the Committee of the Whole rise. It was also ruled that a Member who had been yielded general debate time could not yield to another for that motion.

MR. [ADAM C.] POWELL [Jr., of New York]: Mr. Chairman, I yield the

3. 113 CONG. REC. 32694, 90th Cong. 1st Sess.

4. John J. Rooney (N.Y.).

5. 96 CONG. REC. 2178, 81st Cong. 2d Sess.

minute that the gentleman from Pennsylvania [Mr. Kelley] yielded back to the gentleman from Virginia [Mr. Smith] for debate.

MR. [HOWARD W.] SMITH of Virginia: Mr. Chairman, we have been in session for a long time. It is now almost 7 o'clock, and it is obvious this bill cannot be seriously considered and concluded during this session of the House. I think most of the Members are very tired. It is about time we were getting away from here. I think a good many of them are ready to get away.

MR. [FRANKLIN D.] ROOSEVELT [Jr., of New York]: Mr. Chairman, will the gentleman yield?

MR. SMITH of Virginia: I yield to the gentleman from New York.

MR. ROOSEVELT: I would like to ask the gentleman if he realizes I am feeling very wide awake and I have no desire to leave until we complete the business of the day.

MR. SMITH of Virginia: The gentleman is a good deal younger than some of us and I congratulate him. I admire him, I like to see him up here jumping around and going on. But I think it is about time we quit. Therefore, Mr. Chairman, I move the Committee do now rise.

MR. POWELL: Mr. Chairman, a point of order.

THE CHAIRMAN: The gentleman will state it.

MR. POWELL: Mr. Chairman, I yielded 1 minute to the gentleman from Virginia only for debate.

MR. SMITH of Virginia: Mr. Chairman, I ask recognition on my own to offer a preferential motion.

THE CHAIRMAN: The gentleman from New York yielded to the gentleman

from Virginia for a particular purpose. The motion offered by the gentleman from Virginia is not in order at this time.

MR. SMITH of Virginia: Mr. Chairman, I now move, on my own time, that the Committee do now rise.

THE CHAIRMAN: The gentleman from Virginia has no time. The gentleman from New York and the gentleman from Pennsylvania have control of the time.

MR. POWELL: Mr. Chairman, I now yield 4 minutes to the gentleman from South Carolina [Mr. Sims] for debate.

MR. SMITH of Virginia: Mr. Chairman, will the gentleman yield?

MR. [HUGO S.] SIMS [Jr., of South Carolina]: I yield to the gentleman from Virginia.

MR. SMITH of Virginia: Mr. Chairman, having some time of my own, I now move that the Committee do now rise.

THE CHAIRMAN: The gentleman from South Carolina was yielded 4 minutes time for debate. He in turn yielded to the gentleman from Virginia but he cannot yield to the gentleman from Virginia for the purpose of offering that motion.

An appeal was then taken from the ruling of the Chair and the ruling was sustained on a teller vote.

§ 25.—Proceedings Subsequent to Action on Motion

Reporting to House

§ 25.1 Where the Committee of the Whole votes merely that